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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

HERB HALLMAN CHEVROLET, INC. d.b.a. CHAMPION CHEVROLET, Plaintiff, vs. GENERAL MOTORS LLC, Defendant.	Case No. 3:22-cv-00447-MMD-CLB <u>ORDER GRANTING</u> UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF’S MOTION FOR SANCTIONS (FIRST REQUEST)
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Pursuant to LR IA 6-1(a) and LR IA 6-2, Defendant General Motors LLC (“GM”) moves to extend the time, by two weeks (from May 6, 2024 until May 20, 2024), to respond to the Motion for Sanctions and Equitable Relief (ECF No. 52)

1 filed by plaintiff Herb Hallman Chevrolet, Inc. d.b.a. Champion Chevrolet
2 (“Champion”) on April 22, 2024. This is the first request for an extension of this
3 deadline. As grounds for this motion, GM states as follows:

4 1. On December 15, 2023, Champion filed a motion regarding
5 discovery dispute. (ECF No. 42). Among other things, Champion requested that
6 GM produce dealer allocation history reports and weekly order placement results for
7 Nevada Chevrolet dealers (other than Champion) for the time period January 2018
8 through October 2019 (collectively the “2018/2019 Allocation Records”).

9 2. GM responded to Champion’s motion regarding discovery
10 dispute, and a hearing was held on January 4, 2024. At that hearing, the Court
11 ordered, among other things, that GM investigate whether the 2018/2019 Allocation
12 Records were available on back-up tapes.

13 3. On February 22, 2024, the Court held a status conference during
14 which GM advised, consistent with its document retention policy, that it no longer
15 maintains the 2018/2019 Allocation Records and they are not available on back-up
16 tapes. Based on that representation, the Court held that it could not order GM to
17 produce the 2018/2019 Allocation Records if they no longer exist. The Court noted
18 that Champion could file a motion for spoliation.

19 4. On April 22, 2024, two months later, Champion filed a motion
20 for sanctions and equitable relief (ECF No. 52) based on GM’s alleged spoliation of
21 evidence. Under LR 7-2(b), GM’s response is due on May 6, 2024.

22 5. In light of the issues raised in Champion’s motion, as well as
23 conflicting deadlines in other matters and pre-scheduled travel of its Nevada counsel,
24 GM seeks a two-week extension, to May 20, 2024, to file its response.

6. Champion's motion does not seek any relief prior to trial and the requested extension will not interfere with the scheduling order entered by the Court (ECF No. 48) as expert discovery and dispositive motions will proceed under that order, and no trial date has been set. Accordingly, the requested extension will not prejudice any party.

7. Champion's counsel has consented to this extension.

WHEREFORE, GM requests that the Court extend the time until May 20, 2024, for GM to respond to Plaintiff's Motion for Sanctions.

KAEMPFER CROWELL

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ORDER

IT IS SO ORDERED.

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UNITED STATES MAGISTRATE JUDGE

DATED: April 30, 2024